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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

In re:

THE ROMAN CATHOLIC BISHOP OF  
OAKLAND, a California corporation sole

Debtor.

Case No. 23-40523-WJL

Chapter 11

**CERTIFICATION OF ADAM P.  
HABERKORN IN SUPPORT OF  
ORDER GRANTING INSURERS'  
MOTION FOR ENTRY OF AN ORDER  
PERMITTING INSURER EXPERTS  
AND/OR CONSULTANTS TO HAVE  
ACCESS TO PROOFS OF CLAIMS  
AND SUPPLEMENTS [DKT. 522]**

Judge: Hon. William J. Lafferty

1 I, Adam P. Haberkorn, hereby certify as follows:

2 1. I submit this certification (this “Certification”) in support of entry of (a) the  
3 proposed form of order attached hereto as Exhibit 1 granting the (the “Proposed Experts Order”)  
4 the Moving Insurers’ *Motion For Entry of an Order Permitting Insurer Experts and/or Consultants*  
5 *to Have Access to Sexual Abuse Proofs of Claims and Supplements* [Dkt. No. 522] (the “Experts  
6 Motion”) in part and denying it in without prejudice to the Moving Insurers filing a subsequent  
7 motion for access to information redacted from the proofs of claim.  
8

9 2. On December 1, 2023, the Court held a hearing on Pacific’s motion to permit  
10 Experts to review the proofs of claim. At the conclusion of that hearing, the Court granted the  
11 insurers experts/professionals access to Proofs of Claims in accordance, subject to the redaction of  
12 personal identifying information from the Proofs of Claims. Transcript of December 1, 2023  
13 hearing at 19:2-6 (attached hereto at Exhibit 2) (“So to this extent, I am granting the insurance  
14 companies motion to the extent I’m suggesting today, that I think that information, other than what  
15 I’m loosely calling PII, should be shareable with the insurance companies, experts/professionals.”).  
16

17 3. The Court held that the parties were to replicate the redaction process to anonymize  
18 the Proofs of Claim set forth in the Bar Date Order so that “the name of the claimant or maybe the  
19 address of the claimant or something else that might reasonably identify the claimant as that person  
20 could be shielded from experts and professionals, then I think the other information I think is  
21 relevant to what experts do.” Transcript of December 1, 2023 hearing at 15:16-25. The Court went  
22 on to explain that such other information goes directly to analyzing, for example, the kind of claim  
23 this is, how old the claimant is, what the circumstances of the claim are, and how often the abuse  
24 happened. *See* Transcript of December 1, 2023 hearing at 15:25-16:1-6.  
25

26 4. In accordance with the Court’s ruling, the proposed Order provides for the redaction  
27 of each claimant’s name, address, email address, telephone number(s), Social Security Number,  
28

1 jail or prison number (if applicable), and month of birth (collectively, “PII”) from the Proofs of  
2 Claims.

3         5.       The parties exchanged drafts of the proposed order but have been unable to  
4 agreement with the Tort Committee which seeks open ended license to redact any information about  
5 a claimant rendering the proofs useless for any investigation and impossible for a consultant to ever  
6 determine whether a given claimant has filed a timely proof of claim in this case or multiple suits  
7 against multiple dioceses and non-diocese defendants..

8  
9         6.       The other point of dispute is whether the proposed Order should require that Debtor  
10 and/or Tort Committee to provide a service list of the plaintiff counsel that filed the proofs of claim  
11 so Pacific may serve the subsequent motion on notice seeking an order allowing experts and  
12 consultants to review the proofs of claim without redactions that the Court authorized the insurers  
13 to bring. Transcript of December 1, 2023 hearing at 15:16-25. The Tort Committee objected that  
14 the Expert Motion was not served on the plaintiff counsel. Denying the parties the service list will  
15 frustrate Pacific’s effort to seek relief.

16  
17         7.       The Bar Date Orders entered in *In re Diocese of Santa Rosa*, *In re Diocese of San*  
18 *Francisco*, *In re Diocese of Camden* and a host of other bankruptcies all permit insurers’ experts  
19 and consultants to review the proofs of claim without redaction or other restrictions on access which  
20 is essential to investigate the claims:

- 21  
22         a.       *Order: (1) Fixing Time for Filing Proofs of Claim; (2) Approving Proof of Claim*  
23 *Forms; (3) Providing Confidentiality Protocols; and (4) Approving Form and Manner of*  
24 *Notice, In re: The Roman Catholic Bishop of Santa Rosa*, No. 23-10113 (Bankr. N.D.  
25 Cal. July 25, 2023), Dkt. No. 327 at 8 (“Permitted Party List” includes “Insurers for the  
26 Debtor, together with their successors, administrators, retrocessionaires, reinsurers,  
27 reinsurance intermediaries, and their counsel **and other professionals...**”) (emphasis  
28 added); and
- b.       *Order: (1) Fixing Time for Filing Proofs of Claim; (2) Approving Proof of Claim*  
*Forms; (3) Providing Confidentiality Protocols; and (4) Approving Form and Manner*  
*of Notice, In re: The Roman Catholic Archbishop of San Francisco*, No. 23-30564  
(Bankr. N.D. Cal. Nov. 21, 2023), Dkt. No. 337 at 9-10 (“Permitted Party List” includes

1 “Insurers for the Debtor, together with their successors, administrators,  
2 retrocessionaires, reinsurers, reinsurance intermediaries, and their counsel **and other**  
3 **professionals, including** partners, counsel, associates, **consultants, experts**, and  
employees of such professionals.”) (emphasis added).

4 c. *Order Establishing Deadline for Filing Proofs of Claim and Approving the Form and*  
5 *Manner of Notice Thereof, In re: The Diocese of Camden, New Jersey*, No. 20-21257  
6 (Bankr. D.N.J. Feb. 11, 2021), Dkt. No. 409 at 10 (persons authorized to receive  
7 confidential information includes “[a]ny insurance company that provide insurance or  
reinsurance that may cover the claims described in any Survivor Proof of Claim,  
together with their respective...counsel, **experts and consultants**.”) (emphasis added);

8 d. *Order Clarifying Bar Date Order And Claim Form, In re: Boy Scouts of America and*  
9 *Delaware BSA, LLC*, No. 20-10343 (Bankr. D. Del. Nov. 30, 2020), Dkt. No. 1752 at 2  
10 (clarifying “[t]he phrase “certain insurers of the Debtors, including authorized claims  
11 administrators of such insurers and their reinsurers and their respective counsel” as used  
in paragraph 7(e)(9) of the Bar Date Order, and the reference to the insurers in the Claim  
Form, was intended to include, the **retained advisors of such insurer parties**.”)  
(emphasis added);

12 8. Further, no such redactions or similar restrictions on access to the Proofs of Claim  
13 are imposed on experts and consultants employed by the Debtor or the Committee which leaves  
14 their experts and consultants in a position to testify about the proofs of claim while denying the  
15 insurers experts and consultants this same ability to do so. *See Order Establishing Deadlines For*  
16 *Filing Proofs of Claim And Approving The Form And Manner of Notice Thereof*, Dkt. No. 293 at  
17 6 (“Authorized Parties” includes “Counsel to the Debtor and the Committee retained pursuant to  
18 an order of this Court, including any experts retained by or on behalf of the Debtor and the  
19 Committee under an order of this Court.”).

20  
21 **WHEREFORE**, Pacific hereby respectfully requests that the Court enter the Proposed  
22 Experts Order, substantially in the form attached hereto as **Exhibit 1**.

23  
24 Respectfully submitted,

25 Dated: January 16, 2024

26 By: /s/ Adam P. Haberkorn  
Adam P. Haberkorn